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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STALEY, *et al.*,

Plaintiffs,

v.

GILEAD SCIENCES, INC., *et al.*,

Defendants.

Case No. 3:19-cv-02573-EMC

AMENDED

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER ON ADOPTION
OF PRIOR ORDERS**

Ctrm: 5 – 17th Floor

Judge: Honorable Edward M. Chen

THIS DOCUMENT RELATES TO :

This Document Relates to: 3:21-cv-09620,
4:21-cv-09621, 3:21-cv-09622, 3:21-cv-09632,
4:21-cv-09634, 3:21-cv-09642, 4:21-cv-09644,
3:21-cv-09645, 5:21-cv-09646, 3:21-cv-09
5:21-cv-09648; ~~No. 21-cv-06628~~ **3:21-cv-9827**

1 WHEREAS, this Court has entered a number of scheduling orders, including the Amended
2 Case Management and Pretrial Order for Jury Trial in the above-captioned action (the “*Staley Action*”)
3 (*see* ECF No. 611), which sets certain deadlines and procedures in that action;

4 WHEREAS, this court has concluded that *Aetna Inc., v. Gilead Sciences, Inc., et al.*, No. 21-
5 cv-06628; *Blue Cross and Blue Shield of Florida, Inc. et al v. Gilead Sciences, Inc. et al*, Docket No.
6 3:21-cv-09622 (N.D. Cal.); *Blue Cross and Blue Shield of Florida, Inc. et al v. Teva Pharmaceuticals*
7 *USA, Inc.*, Docket No. 3:21-cv-09632 (N.D. Cal.); *Blue Cross and Blue Shield of South Carolina, Inc.*
8 *et al v. Gilead Sciences, Inc. et al*, Docket No. 3:21-cv-09645 (N.D. Cal.); *Blue Cross and Blue Shield*
9 *of South Carolina, Inc. et al v. Teva Pharmaceuticals USA, Inc.*, Docket No. 4:21-cv-09644 (N.D.
10 Cal.); *Centene Corp. v. Gilead Sciences, Inc. et al*, Docket No. 3:21-cv-09634 (N.D. Cal.); *Centene*
11 *Corp. v. Teva Pharmaceuticals USA Inc.*, Docket No. 5:21-cv-09648 (N.D. Cal.); *Health Care Service*
12 *Corporation, a Mutual Legal Reserve Company v. Gilead Sciences, Inc. et al*, Docket No. 5:21-cv-
13 09646 (N.D. Cal.); *Humana Inc. v. Gilead Sciences, Inc. et al*, Docket No. 4:21-cv-09621 (N.D. Cal.);
14 *Humana Inc. v. Teva Pharmaceuticals USA Inc.*, Docket No. 3:21-cv-09620 (N.D. Cal.); *Triple-S*
15 *Salud, Inc., v. Gilead Sciences, Inc. et al*, Docket No. 3:21-cv-09647 (N.D. Cal.); and *Triple-S Salud,*
16 *Inc., v. Teva Pharmaceuticals USA Inc.*, Docket No. 3:21-cv-09642 (N.D. Cal.) (collectively the “New
17 Direct Action Health Plan Actions”) are related to the *Staley Action* (*see* ECF No. 798);

18 WHEREAS, the Parties¹ (Defendants and New Direct Action Health Plan Plaintiffs,
19 collectively) agree that Defendants shall not be required to respond to the New Direct Action Health
20 Plan Plaintiffs’ Complaints until February 16, 2022, and shall have until and including that date to file
21 their motions to dismiss, motions to compel arbitration, or to otherwise respond;

22 WHEREAS, without admitting any allegations in the Complaint, but for the purposes of this
23 stipulation alone, Defendants agree not to assert any arguments or defenses challenging personal
24 jurisdiction and/or venue in any of the New Direct Action Health Plan Actions, including any actions
25 subsequently remanded to state court.

26 WHEREAS, the Parties agree to be bound by the terms of the following orders entered in the

27 ¹ Aetna Inc. believes its case was improperly removed and intends to promptly move to remand.
28 Aetna reserves all rights to contest the removal of its action and only agrees to be bound by the terms
of the prior orders in the *Staley* action if its action is not remanded.

1 *Staley* Action: (1) the Stipulated Protective Order (ECF No. 196); (2) the Stipulated Privilege Order
 2 (ECF No. 197); (3) the Stipulation and Order Regarding the Non-Disclosure of Certain Information
 3 Regarding Expert Witnesses (ECF No. 198); (4) the Joint Stipulated Protocol for the Discovery of
 4 Electronically Stored Information and Hard Copy Documents (ECF No. 245); (5) the Joint Stipulation
 5 and Order Regarding Deposition Protocol (ECF No. 467); (6) the Stipulated Supplemental Protective
 6 Order (ECF No. 484); and (7) the Joint Stipulation and Order on Deposition Coordination (ECF No.
 7 571); and

8 WHEREAS, the Parties agree that, for future filings, parties to the New Direct Action Health
 9 Plan Actions shall file all papers on the docket for the *Staley* Action, No. 3:19-cv-02573-EMC, and not
 10 on the dockets for the New Direct Action Health Plan Actions, 3:21-cv-09620, 4:21-cv-09621, 3:21-
 11 cv-09622, 3:21-cv-09632, 4:21-cv-09634, 3:21-cv-09642, 4:21-cv-09644, 3:21-cv-09645, 5:21-cv-
 12 09646, 3:21-cv-09647, and 4:21-cv-09648, so that for the convenience and clarity of the Court and the
 13 parties there is a single Master Docket.

14 THE PARTIES HEREBY STIPULATE, SUBJECT TO COURT APPROVAL THAT:

15 1. The Master Docket for the Coordinated Actions, including the New Direct Action
 16 Health Plan Actions, shall be *Staley, et al. v. Gilead Sciences, Inc., et al.*, No. 3:19-cv-02573-EMC
 17 (N.D. Cal).

18 2. When a pleading is intended to apply to the New Direct Action Health Plan Actions
 19 and the Coordinated Actions, this shall be indicated by the words: "This Document Relates to: ALL
 20 ACTIONS," in the caption. When a pleading is intended to apply to fewer than all cases, the case name
 21 and this Court's docket number for each individual case to which the document relates shall appear
 22 immediately after the phrase "This Document Relates to:" in the caption.

23 3. All papers previously filed in the New Direct Action Health Plan Actions are deemed
 24 to be part of the record in the *Staley* Action.

25 4. The Parties are hereby bound by: (1) the Stipulated Protective Order (ECF No. 196);
 26 (2) the Stipulated Privilege Order (ECF No. 197); (3) the Stipulation and Order Regarding the Non-
 27 Disclosure of Certain Information Regarding Expert Witnesses (ECF No. 198); (4) the Joint Stipulated
 28 Protocol for the Discovery of Electronically Stored Information and Hard Copy Documents (ECF No.

245); (5) the Joint Stipulation and Order Regarding Deposition Protocol (ECF No. 467); (6) the Stipulated Supplemental Protective Order (ECF No. 484); and (7) the Joint Stipulation and Order on Deposition Coordination (ECF No. 571). New Direct Action Health Plan Plaintiffs shall be deemed as “Plaintiffs” as that term is used to refer to the Plaintiffs collectively as a group in the Joint Stipulation and Order Regarding Deposition Protocol (ECF No. 467) and the Joint Stipulation and Order on Deposition Coordination (ECF No. 571). For purposes of discovery from Teva, the New Direct Action Health Plan Plaintiffs shall be bound by the discovery limits set out in the Joint Stipulation and Order on Adoption of Prior Orders in the Retailer Actions (ECF No. 686), with the exception that, to the extent the New Direct Action Health Plan Plaintiffs contend that they need additional discovery beyond those limits, the parties will meet and confer over what additional discovery, if any, is necessary and appropriate.

5. The Parties shall meet and confer in good faith in an effort to agree upon a scheduling order and deadlines to govern the New Direct Action Health Plan Actions, reasonable deadlines for the purpose of completing discovery of New Direct Action Health Plan Plaintiffs and any additional discovery needs of New Direct Action Health Plan Plaintiffs that do not otherwise impact the overall schedule, and agree to work together to move the New Direct Action Health Plan Actions forward expeditiously and in coordination with the *Staley* Action.

6. Defendants shall be deemed to have been served with the Complaints in the New Direct Action Health Plan Actions as of the date of this Stipulation and Proposed Order, and Defendants shall have until February 16, 2022, to answer, move, or otherwise respond to the New Direct Action Health Plan Plaintiffs’ Complaints, and as to the Aetna Complaint where Aetna has filed a motion to remand, for their time to answer, move or otherwise respond, Defendants shall have until 30 days after a ruling on Aetna’s motion, or such other time as the parties may agree.

It is so stipulated, through counsel of record.

Respectfully submitted,

Dated: January 27, 2022

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Dated: January 27, 2022

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~~PROPOSED~~ ORDER

Based on the stipulation of the parties, and good cause therefore, IT IS HEREBY ORDERED that the Stipulation is approved.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 31, 2022



Hon. Edward M. Chen
United States District Judge